



DELBERT HOSEMANN  
*Secretary of State*

MISSISSIPPI SECRETARY OF STATE

## CONSTITUTIONAL INITIATIVES PUBLIC HEARING

PEARL, MISSISSIPPI

JULY 20, 2011

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### PRESIDING:

DELBERT HOSEMANN  
Mississippi Secretary of State  
401 Mississippi Street  
Jackson, Mississippi 39201

### ALSO PRESENT:

LEA ANNE BRANDON

MEMBERS OF THE PUBLIC

REPORTED BY: SHARRON F. ALLEN, CSR, RPR  
CSR NO. 1144

1 SECRETARY HOSEMANN: Good afternoon,  
2 everyone. I'd ask if y'all would come forward a  
3 little bit. I want to make sure everybody hears.  
4 So if y'all are in the back, come on up. We've  
5 got plenty of seats. The ones that have ribbons  
6 on them are reserved for you, so you're welcome  
7 anywhere in here. Come get close enough to hear.  
8 This is a public forum, and we want everybody to  
9 make sure they hear everything that we're saying.  
10 Thank y'all for coming forward. I appreciate it.

11 We'll start on time this evening. First of  
12 all, I want to welcome all of you to our public  
13 hearings on three constitutional initiatives.  
14 These will be on the November 8, 2011, general  
15 election ballot. Personhood, voter  
16 identification, and eminent domain are the three  
17 constitutional initiatives.

18 Each of these initiatives are placed on the  
19 ballot based upon the fact that we received  
20 89,285 signatures for each of these. In  
21 actuality, we received more than 100,000 on each  
22 of the initiatives.

23 In order for the initiative process to pass,  
24 we must receive a majority of all the votes cast,  
25 and it must receive more than 40 percent of the

1 total votes cast in the entire election. So when  
2 we go to vote on these matters we're going to  
3 discuss this evening, we want to encourage you  
4 and our fellow citizens to make sure they vote  
5 the entire ballot and vote for or against as you  
6 deem appropriate these particular constitutional  
7 initiatives.

8 Currently what we are is in the voter  
9 education portion of this. We're required by the  
10 legislature to hold hearings in five different  
11 Congressional districts, the five Mississippi  
12 districts. We are actually holding nine of  
13 these.

14 Our goal at the Secretary of State's office  
15 is to make this conversation among Mississippians  
16 about their constitution as easy as possible and  
17 give the most access as we can to every  
18 Mississippian to speak for and against these  
19 initiatives and to make up your mind on how to  
20 vote.

21 In addition to this, in the pamphlets that  
22 are in the back you will see we have requested a  
23 300-word essay by both the proponents and  
24 opponents of each of these initiatives. Please  
25 feel free to take extra copies of this to

1 distribute to your neighbors and friends. These  
2 pamphlets are written by the individual  
3 proponents themselves, not by the Secretary of  
4 State's office. We've organized those and we've  
5 distributed them throughout the state, again to  
6 inform the voters on how people feel both for and  
7 against each of the initiatives. They include  
8 also a definition of the initiative and the  
9 initiative itself.

10 If you're not able to speak tonight -- and  
11 we welcome everyone to speak tonight. There is a  
12 sign-up sheet in the back. Please sign up. And  
13 I'll go over the process on how we will be  
14 speaking this evening.

15 But we welcome everyone to not only speak,  
16 but to send us written confirmation of your  
17 feelings for and against each of these  
18 initiatives.

19 Further, the matter is being videotaped and  
20 recorded. On the Internet on the Secretary of  
21 State's website under the elections division in  
22 the initiative portion you will be able to see  
23 word for word every word spoken this evening.

24 The first one of these, the Southaven event,  
25 the first one we did, is already on the website.

1 And we encourage you to read what people are  
2 saying about these initiatives. Our comments  
3 tonight will similarly be on the State's website.  
4 So not only will you be able to have the benefit  
5 of your fellow citizens tonight, every other  
6 citizen in the state of Mississippi who has  
7 access to a computer will be able to read that as  
8 well.

9 The format for tonight is as follows -- and  
10 the one we're following throughout -- is we will  
11 start with a discussion of the initiative. Both  
12 the proponent and opponent of the initiative,  
13 each will be granted five minutes to make their  
14 statements. After that we have a series of  
15 individuals that have signed up for and against  
16 the various initiatives, and each of you will be  
17 offered the opportunity to speak for two minutes.  
18 Those speakers, if you'll watch, Lea Anne will be  
19 down front, and she'll give you a little heads up  
20 when you get to a minute or 30 seconds or so left  
21 to go in your time frame. So we'll help you with  
22 making sure we stay on time tonight.

23 These initiatives are on the November the  
24 8th ballot. They're on the ballot because over  
25 100,000 Mississippians signed to put them there.

1 So the general election ballot is what we will be  
2 discussing. We should not discuss whether or not  
3 they're going to be on the ballot tonight. We're  
4 discussing solely whether or not you should vote  
5 for or against the initiative.

6 I would remind you that servicemen and women  
7 are fighting today. Mississippians have lost  
8 over 60 of our fellow citizens in Afghanistan and  
9 Iraq. They have died for you to be able to come  
10 today and voice your opinion in a public forum  
11 safely with your fellow citizens. I would ask  
12 you to honor their sacrifice by being as civil as  
13 we can in the discourse and respective of each  
14 other's opinion as we go forth.

15 As we should in their honor and in every  
16 event of this type, I suggest we start with the  
17 Pledge of Allegiance. If you would all rise with  
18 me, we'll open with that.

19 (PLEDGE OF ALLEGIANCE)

20 SECRETARY HOSEMANN: Thank you very much.

21 As you may note, I left no part of the pledge  
22 out -- for those who do that on occasion.

23 We'd like to start this evening in the order  
24 in which the initiatives were filed. The first  
25 one which was filed was the personhood amendment.

1        Speaking for the personhood amendment is  
2        Brad Prewitt, and we will start with him.

3        Afterwards, Whitney Barkley will speak against  
4        the personhood amendment.

5        Brad's been at the first two of these, and  
6        he's prompting me here.

7        The ballot title will be: "Should the term  
8        'person' be defined to include every human being  
9        from the moment of fertilization, cloning, or the  
10       equivalent thereof?"

11       The ballot summary on Initiative 26, which  
12       will be this ballot, would be: "Would amend the  
13       Mississippi Constitution to define the word  
14       'person' or 'persons' as those terms are used in  
15       Article III of the state constitution to include  
16       every human being from the moment of  
17       fertilization, cloning, or the functional  
18       equivalent thereof."

19       On our pamphlet you will see Initiative 26  
20       is quite short. It mentions, "Article III of the  
21       constitution of the state of Mississippi is  
22       hereby amended by the addition of a new section  
23       to read:

24       "Section 33. Person defined. As used in  
25       this Article III of the state constitution, the

1 term 'person' or 'persons' shall include every  
2 human being from the moment of fertilization,  
3 cloning, or the functional equivalent thereof."

4 That's the actual initiative itself. And  
5 enclosed in here is for and against.

6 So, Brad, if you will start, please, sir.

7 MR. PREWITT: Thank you, Mr. Secretary.

8 You've got to be really jealous of the time  
9 that I get, because we only have five minutes. I  
10 appreciate you reading that.

11 I'm Brad Prewitt. I'm executive director of  
12 yeson26.net, which is a recently formed  
13 broad-based mainstream campaign coalition in  
14 Mississippi to support the passage of Amendment  
15 26 to the Mississippi Constitution Bill of  
16 Rights. We support passage of the definition  
17 that personhood of the unborn begins at the  
18 earliest biological beginning, artificial or  
19 natural.

20 I'm a tenth-generation Mississippian. I'm a  
21 lawyer. I'm married to a physician. And I  
22 closely considered the impact of this law, and  
23 I'm here to report to you that it's good policy  
24 for Mississippi. Mississippi should vote for  
25 this. It's the right thing to do, and it will



1 have the right impact on our state.

2 Beyond the petition drive that's accumulated  
3 a large number of signatures, as Secretary  
4 Hosemann indicated, what is personhood? It's not  
5 a novel concept, friends.

6 First we start with the Bible, the  
7 scripture. God said, "Let us make man in our  
8 image."

9 Well, God is the most significant of all  
10 things. He created all things. And, therefore,  
11 if his imprint is on us as men and women, then we  
12 are significant. We were created spiritual  
13 beings and physical beings, and that gives us  
14 significance over all things other than God.  
15 That is why the sanctity of life is important  
16 here in our state. That's what makes us unique  
17 as Mississippians.

18 David, in the Psalms, indicated in 139:16  
19 that God saw his unformed substance before he was  
20 a breathing, living person outside the womb.

21 Now, it's not just the Bible. We can go to  
22 science. Medical science and scientific research  
23 has clearly indicated that life begins at  
24 conception. The head of genetics for Mayo Clinic  
25 said that from the moment of conception, science

1 is a very simple concept of man. He said as he  
2 has been conceived, a man is a man.

3 Now, the founders of our nation in the  
4 Declaration of Independence indicated that the  
5 right to life is something that was self-evident,  
6 that it had been granted to us by our creator,  
7 that all men were created equal.

8 Well, if a man is at conception, a woman is  
9 at conception, then why not equivalent rights  
10 with that who is breathing and living outside the  
11 womb? And that is what personhood does. It  
12 establishes what we know. We can't deny what we  
13 know. People try to, but we cannot deny what is  
14 known.

15 Now, Mississippi case law even in statutory  
16 law recognizes that criminal homicide, an unborn  
17 fetus from the moment of conception has rights;  
18 that if you commit a felony or some type of crime  
19 against that person who carries that unborn  
20 child, that that unborn child matters. The  
21 unborn child is relevant.

22 When we get to Roe v. Wade, 1973, the U.S.  
23 Supreme Court, when they instituted abortion and  
24 allowed 53 million babies to be murdered over the  
25 next 40 years, they even had problems with this

1 idea of rejecting personhood. They said to the  
2 counsel for the abortion proponents that if his  
3 suggestion -- they said that if the fetus is a  
4 person within the language and meaning of the  
5 14th Amendment, then your case collapses, for the  
6 fetus's right to life would then be guaranteed  
7 specifically by the amendment. So they struggled  
8 with that.

9 Well, for 40 years, friends, abortion,  
10 pro-life movement, case law has tried to  
11 incrementally restrict abortion, but it's gotten  
12 away from the simple fact that life --  
13 personhood -- begins at conception.

14 Now, who supports personhood? Well, beyond  
15 God, which I would argue is the most important,  
16 Ronald Reagan in 1988, January, issued a  
17 presidential proclamation where he said, "We are  
18 told that there exists a right to end the lives  
19 of unborn children, yet no one can explain how  
20 such a right can exist in stark contradiction of  
21 each person's fundamental right to life. The  
22 well-being and future of our country demand that  
23 protection of innocents must be guaranteed and  
24 the personhood of the unborn be declared and  
25 defended throughout our land."

1        Now, in Mississippi we have Stacey  
2        Pickering, Phil Bryant; we have Don Wildmon. We  
3        have many on our board. Senator Roger Wicker has  
4        this same language in the U.S. Senate bill. So  
5        we have lots of broad-based support. This is not  
6        novel.

7        And what does this not do? If you're raped  
8        or you have incest occur, well, that's a life,  
9        friends. It's tough, but it's a life, and there  
10       are options -- adoption. The crime of the father  
11       does not justify the killing of the innocent.

12       It does not ban birth control. The morning  
13       after pill would be suspect, but not  
14       contraception.

15       IVF? I have two IVF children. I would not  
16       deny the joy that God's granted me with IVF. It  
17       simply would put regulation on it. Embryo is a  
18       life. Embryo is a person. Medical research  
19       would not stop. There are other options that God  
20       has provided us. Prosecution of miscarriages  
21       would not occur. They didn't occur before  
22       abortion was legal. These are red herrings.

23       The other side, Planned Parenthood and the  
24       ACLU, sound like Chicken Little on this. But,  
25       friends, they're not Chicken Little; they're not

1 a fictional character. They are an evil  
2 organization that has caused the death of  
3 millions, and they get taxpayer money to do it.

4 And, friends, I encourage you to vote yes on  
5 26 in November.

6 SECRETARY HOSEMANN: Thank you, Brad.

7 Whitney, are you ready? You've got five  
8 minutes.

9 MS. BARKLEY: Secretary Hosemann, guests.

10 First, let me say it is an honor and a  
11 privilege to be here tonight, and this is a  
12 wonderful testament to our democracy. And I'm so  
13 glad to see so many people here -- especially  
14 children -- from across the state to see us  
15 reflect on this serious and controversial issue  
16 without fear and without hostility. And I think  
17 this is a wonderful opportunity.

18 I'm a citizen of the state of Mississippi.  
19 I'm also an attorney. And as a woman and as a  
20 voter, I am deeply opposed to the proposed  
21 Initiative 26 or the personhood amendment. My  
22 reasons for the opposition are many. There are  
23 legal issues, but there is one that I want to  
24 focus on tonight.

25 First and foremost, I oppose this amendment

1 because of the potential effect on the  
2 reproductive health of Mississippi women.  
3 Proposed Initiative 26 does not address  
4 pregnancies that endanger the life of the mother.  
5 As such, the amendment would jeopardize the  
6 health of women suffering from a diverse range of  
7 pregnancy issues from ectopic pregnancies to  
8 preeclampsia. Women whose pregnancies put their  
9 life at risk deserve the right to decide whether  
10 or not to continue those pregnancies to term.  
11 It's my opinion that that decision should be  
12 made by the woman, her spouse, her doctor, and  
13 her spiritual counsel. It's not the place of  
14 Mississippi government or Mississippi voters to  
15 make that incredibly hard and incredibly personal  
16 decision for her.  
17 This risk hits home for me. I was born with  
18 a range of health issues. I have a congenital  
19 heart defect. If you were closer, you could see  
20 my still prominent scar. Since I was a teenager,  
21 I've been asking doctors if I can healthily bear  
22 a child; and the results have been everywhere  
23 from yes, but you would be on bedrest and we  
24 would have to monitor the whole pregnancy to  
25 absolutely not; it would kill you.

1        If the day ever comes that I'm faced with a  
2        decision of continuing a pregnancy that might  
3        mean my life, I would hope that I can make that  
4        decision for myself and for my family without  
5        interference of government.

6        I'm sure that if you have daughters or  
7        granddaughters, if you push away the ideological  
8        argument and think about whether or not do you  
9        want the state telling your daughter or your  
10       granddaughter what she has to do in her life, you  
11       would agree.

12       I know I'm in a minority and that most women  
13       my age don't face the health issues that I have;  
14       and, God willing, they never will. So I'm  
15       speaking directly to you, to the women whose  
16       lives would be impacted by this amendment, whose  
17       decisions would be made for them and whose very  
18       right to privacy in a doctor's office will be  
19       disrupted.

20       While men here have a right to support this  
21       amendment -- and, in fact, there's a man leading  
22       the charge for it -- it's our lives that are  
23       going to be impacted. This is a decision that  
24       will be made about your body by someone other  
25       than yourself. I can't think of anything more

1 distrustful of women and I can't think of a  
2 bigger government than one that forces itself  
3 into our doctor's office.

4 I believe in furthering life. In fact, it's  
5 what I've devoted my job to. But I also believe  
6 that Mississippi is failing in that regard on  
7 other measures. We have more infants in this  
8 state that die per birth than we do abortions.

9 We're the first in a lot of things. We have a  
10 higher rate of pregnancy and literacy and  
11 poverty. We fail children in this state every  
12 day -- children who are already born. In my  
13 opinion, that's where we need to focus our  
14 resources and focus our promise.

15 I urge you to vote against this amendment,  
16 and I urge you to keep the government of  
17 Mississippi out of our doctors' offices and out  
18 of our most private and painful and personal  
19 decisions. I know that if I ever had to make the  
20 decision if I were to ever become pregnant --  
21 which I haven't because of the risk, but mistakes  
22 happen -- and if I ever had to make that  
23 decision, I cannot imagine what it would be like  
24 to have somebody else telling me what I had to do  
25 or if I had to go to court and get a waiver from



1 a judge to make that decision and how much more  
2 difficult it would be to spend that time.

3 I'm urging you to fight for your right, for  
4 your daughter's right, for your granddaughter's  
5 right to speak for themselves and to be able to  
6 make this decision with their family, their  
7 pastors, and God.

8 Thank you.

9 SECRETARY HOSEMANN: Thank you, Whitney.

10 Buddy Hairston. Buddy is speaking for the  
11 personhood amendment. And we will acknowledge  
12 you for two minutes.

13 MR. HAIRSTON: Proverbs 31:8: "Open your  
14 mouth for the mute, for the rights of all who are  
15 destitute."

16 My fellow Mississippians, on November 8th we  
17 will have an amazing opportunity to speak up for  
18 those who cannot speak for themselves -- the  
19 unborn children in our state. These children  
20 deserve to be protected by our love and our laws.

21 We have heard and will continue to hear lies  
22 and false claims like this amendment will end in  
23 vitro fertilization, all birth control will be  
24 outlawed, and women will be arrested for  
25 miscarriages. These are all untrue and used to

1 divert the issue.

2 Friends, the issue is very simple. If the  
3 unborn is growing, it must be alive. And if it  
4 has human parents, it must be human. And living  
5 humans or human beings like you and I are  
6 valuable, are they not?

7 The Declaration of Independence that Brad  
8 stated states: "We hold these truths to be  
9 self-evident, that all men are created equal and  
10 they are endowed by their creator with certain  
11 unalienable rights. That among these are life."

12 So where do we get this right to life? It  
13 doesn't come from our parents, doctors, or even  
14 our government. Think about slaves in America,  
15 Jews in Germany.

16 Psalms 139:13 and 14: "For you formed my  
17 inward parts. You knitted me together in my  
18 mother's womb. I praise you for I am fearfully  
19 and wonderfully made."

20 You see, our right to life comes from our  
21 creator, and we are created in His image. For  
22 that reason, on November 8th I urge you to honor  
23 your creator and vote yes on Amendment 26.

24 SECRETARY HOSEMANN: Thank you, Buddy.

25 James Parker from Brandon. James is

1 recognized to speak against the personhood  
2 amendment.

3 MR. PARKER: First of all, I want to make  
4 a comment that I think these hearings are being a  
5 little late. They should have been done before  
6 it was on the ballot. And that's my personal  
7 opinion, but I wanted to get that out of the way.

8 Anyway, I want to be quick about this.  
9 There is no reason -- no reason -- for government  
10 to be allowed to intrude into the lives of women  
11 and drag them off into prison because they may  
12 have some kind of -- they may have been raped;  
13 they may have had some kind -- I'm not going to  
14 -- well, incest or some kind of problem like  
15 that. They may have some kind of health problem.  
16 And there's no reason that we can pass this law  
17 and then drag women off to prison because of  
18 that.

19 And it takes two people. Two people are  
20 responsible for a child. Actually, it's a  
21 village, but I'm not going to get into that. Two  
22 people are responsible. And whatever happens as  
23 far as religion, if you want -- this is not a  
24 Christian nation -- this is a freedom of religion  
25 issue. And whatever happens between that person

1 and the other person who creates that life is  
2 between them and their god. That's the religious  
3 aspect of it.

4 That's all I have to say. Thank you.

5 SECRETARY HOSEMANN: Thank you, James.

6 Judy Batson to speak from Madison,  
7 Mississippi, for the initiative. Judy.

8 MS. BATSON: I am a regular sidewalk  
9 counselor at the only abortion clinic in  
10 Mississippi in Jackson.

11 And I just want to tell everyone that I do  
12 see the pain in these women's faces, the girls'  
13 faces, as they come in to kill their babies. We  
14 offer them that they can go to the crisis  
15 pregnancy center where they get wonderful  
16 counseling and free services. And I would just  
17 love to see this abortion clinic be closed, and I  
18 think that God will close it through this  
19 amendment or by any means he sees fit. We don't  
20 need to be killing our babies in Mississippi.

21 Thank you.

22 SECRETARY HOSEMANN: Thank you, Judy.

23 Katie McClendon. Katie is from Jackson,  
24 Mississippi, and she rises to speak against the  
25 amendment.

1 MS. McCLENDON: Thank you.

2 My name is Katie McClendon. I'm a doctor of  
3 pharmacy and a board-certified pharmacotherapist  
4 specialist.

5 Tonight I am speaking as a clinical  
6 pharmacist and as a woman who could be affected  
7 by Initiative 26 if it passes. The comments  
8 provided tonight reflect my own opinions based on  
9 scientific research and do not necessarily  
10 reflect the opinion of my employer.

11 This initiative is so extreme that some  
12 supporters say it could ban access to some birth  
13 control. Limiting women's access to commonly  
14 used forms of birth control like the pill could  
15 negatively affect women, girls, and families  
16 throughout the state of Mississippi. Mississippi  
17 ranks first in the nation for unintended  
18 pregnancies for women of all ages, not just among  
19 teens. In a state with the highest rate of  
20 unintended pregnancies, we should be working to  
21 make birth control more readily available to the  
22 women in our state, not banning access.

23 Many women also take contraception for  
24 reasons beyond pregnancy prevention. These  
25 medications can be used to treat women who have

1 anemia from excessive blood loss due to their  
2 menstrual cycle, irregular periods, polycystic  
3 ovarian syndrome, and acne, among many other  
4 uses.

5 Approximately half of all pregnancies in the  
6 U.S. are unplanned. And as I mentioned  
7 previously, Mississippi has the highest rate of  
8 unintended pregnancies in the nation.

9 I worry that if access to birth control is  
10 further limited in this state, unintended  
11 pregnancies will rise dramatically, and the  
12 already significant financial cost for these  
13 pregnancies to our state will increase  
14 substantially.

15 Please oppose Initiative 26 and help protect  
16 access to birth control in Mississippi.

17 Thank you.

18 SECRETARY HOSEMAN: Thank you, Katie.

19 Joe Ragland. Joe is from Jackson,  
20 Mississippi, and he rises to speak for the  
21 initiative.

22 MR . RAGLAND: May it please the Secretary  
23 and the distinguished group, pro and con. We all  
24 are citizens of Mississippi, and we love this  
25 great state.

1       The drafters of our constitution -- pick up  
2       one at the end of the hall -- the first thing  
3       they said in adopting our constitution, said,  
4       "We, the people of Mississippi in convention  
5       assembled, grateful to Almighty God, and invoking  
6       his blessing on our work, do ordain and establish  
7       this constitution." November 1st, AD -- that  
8       means after the birth of Christ -- 1890.

9       So they started off our constitution by  
10      invoking the blessing of God. We know God's  
11      first law he gave to Moses, he said, "Thou shalt  
12      not kill."

13      You go through the Bible, you see John the  
14      Baptist sleeping in the womb. You see Herod  
15      after he found out Jesus was born, he killed all  
16      the babies two years and under. You know, thou  
17      shalt not kill.

18      There's certainly medical reasons that a  
19      pregnancy should be -- that a baby should be  
20      maybe terminated in the womb, killed if the  
21      mother is suffering great danger of loss of life.

22      But, generally, just a general person wanting to  
23      -- say, "I'm going to kill my baby," that  
24      violates God's law. It does.

25      In Mississippi -- I went to Ole Miss Law

1 School. I'm a lawyer, Joe Ragland. And the  
2 first thing they teach you in law school is that  
3 if you kill -- if you kill -- if someone kills,  
4 under Mississippi law, a pregnant woman and the  
5 woman dies -- of course, the baby dies when she  
6 dies -- then it's double murder. And that's a  
7 person in the womb. That's murder. And that  
8 person in the womb, for murder purposes, that  
9 person still has rights.

10 And so it's just a -- it just makes logical  
11 sense under the Mississippi Constitution adopted  
12 grateful to Almighty God. Let's follow God's law  
13 which generally says "Thou shalt not murder."  
14 And, of course, there's exceptions to that. When  
15 someone -- we've got executions in Mississippi.  
16 If somebody takes someone else's life, they can  
17 be murdered. There's exceptions to that, but  
18 generally that's the rule. And I believe the  
19 founders of our Mississippi constitution would  
20 not tolerate this. They would say let's follow  
21 God's law.

22 Thank y'all so much for your attention.

23 SECRETARY HOSEMANN: Thank you, Joe.

24 Rita Royals from Jackson, Mississippi. And

25 George Whitten will be up next. Rita is from



1 Jackson, and she rises to speak against the  
2 initiative.

3 MS. ROYALS: Hello. I'm Rita Royals. I  
4 live in Jackson, Mississippi.

5 I have a master's degree in counseling  
6 psychology, and I have spent many years working  
7 with victims of sexual assault and child  
8 molestation. Some here might believe that  
9 Initiative 26 sounds like a good idea; but if it  
10 passes, it will have extreme consequences for  
11 Mississippi women and families.

12 The initiative could ban abortion without  
13 any exceptions for rape, child abuse, or health  
14 of the mother. This would force women and girls  
15 who become pregnant as a result of rape or incest  
16 to live with the horror of those violent attacks  
17 every day by eliminating the possibility to end a  
18 pregnancy.

19 Banning abortions without exception will not  
20 stop women from ending pregnancies. Instead,  
21 women will go back to facing unhealthy and  
22 dangerous options.

23 It is not just sexual assault survivors who  
24 would be affected. What about a pregnant woman  
25 who is diagnosed with cancer? Because there are

1 no exceptions to allow a woman to terminate a  
2 pregnancy, will a woman facing a terrible illness  
3 be forced to forego treatment?

4 Also know that the consequence of this  
5 initiative would go far beyond abortion. In  
6 fact, this measure is so extreme that it could  
7 ban common methods of birth control such as the  
8 pill. This would mean that women who are trying  
9 to responsibly plan and space their pregnancies  
10 may be forced to rely on less reliable measures.

11 Just yesterday the National Institute of  
12 Medicine recommended that contraceptives be  
13 covered by insurance with no co-pay so women can  
14 better avoid unintended pregnancies to increase  
15 positive birth outcomes. Initiative 26 would  
16 result in more unintended pregnancies, putting  
17 women and family at further risk in the state  
18 with the highest rate of infant mortality.

19 I urge you to oppose Initiative 26.

20 SECRETARY HOSEMANN: Thank you, Rita.

21 George Whitten, Jr., from Pearl,  
22 Mississippi, to speak for the amendment. George.

23 MR. WHITTEN: My name is George Whitten  
24 from Pearl.

25 Does abortion help realign the mother with

1 the interest of her child? Does Amendment 26 pit  
2 a mother against her child? No. It is abortion.  
3 It is the women who are walking into the clinic  
4 who are at enmity with their child.

5 Those who are with child and ready to give  
6 birth are the natural guardians of their child,  
7 and it is the law that seeks to protect the life  
8 of a child that lines up with the natural  
9 guardian's natural instinct to protect the child  
10 that she carries.

11 So it is only in the rare example of a  
12 mother whose life is in danger by giving birth  
13 that you ever find the ultimatum of either  
14 choosing the mother's life or choosing the baby's  
15 life.

16 It is only -- let me start this back. C.  
17 Everett Koop served as the surgeon general during  
18 Ronald Reagan's administration. And as surgeon  
19 general he was also the -- well, before becoming  
20 surgeon general, he was chief of pediatric  
21 surgery at the Children's Hospital in  
22 Philadelphia. He said back in the 1980s that due  
23 to the advances in medicine and OB-GYN care,  
24 obstetric care, he hardly -- obstetricians hardly  
25 ever heard of having to make the choice anymore

1       between saving the life of the mother or saving  
2       the life of the baby. So if it still happens,  
3       it's exceedingly rare.

4       Amendment 26 does not tell us which choice  
5       to make. It does not come out and say the mother  
6       must die in order for the baby to live.

7       Amendment 26 leaves that rationale outworking of  
8       Amendment 26 to the legislature to resolve by  
9       statute.

10       SECRETARY HOSEMANN: Thank you, George.

11       Shelby Butler. Shelby is from Jackson,  
12       Mississippi, and she rises to speak against the  
13       amendment.

14       MS. BUTLER: Thank you.

15       I served overseas as a volunteer teacher for  
16       three years, and I remember my momentary panic  
17       when the CE officer explained the unlikely but  
18       still very real possibility of being raped during  
19       my service.

20       You see, I was practicing abstinence as my  
21       form of birth control. And I wondered what I  
22       would do if I got pregnant from a rape. I  
23       wouldn't want to get an abortion, but I couldn't  
24       continue my job if I was pregnant. I couldn't  
25       continue serving overseas. I couldn't see out

1 the pregnancy or deliver a baby in that country.

2 I was soon comforted, though, to learn that  
3 there was an option for women like myself not  
4 taking regular birth control. After unprotected  
5 sex, I would have the option of taking an  
6 emergency contraception pill that would greatly  
7 reduce my chance of conceiving a child. I'm  
8 still very grateful today for this option. It's  
9 a great comfort to know that while I might not  
10 always have the power to prevent an unwanted  
11 sexual encounter, even after rape, I still have  
12 the possibility of preventing pregnancy from that  
13 rape.

14 Emergency contraception works by preventing  
15 the woman's body from releasing an egg and  
16 thereby prevents fertilization and creation of a  
17 person as defined by Initiative 26. But because  
18 emergency contraception carries with it the  
19 extremely rare possibility of preventing a  
20 fertilized egg from implanting in the lining of  
21 the uterus, it's routinely attacked and  
22 mislabeled as an abortion pill. Many of the same  
23 people who support Initiative 26 openly oppose  
24 emergency contraception.

25 I have no doubt that, if passed, Initiative

1       26 would be used to prevent women from accessing  
2       emergency contraception, even when they need it  
3       most after a rape. That alone is reason enough  
4       for me to oppose Initiative 26.

5       Thank you.

6       SECRETARY HOSEMANN: Thank you, Shelby.

7       Roy McMillan from Jackson, Mississippi,  
8       rises to speak for the personhood initiative.

9       MR. McMILLAN: Deuteronomy says, "I set  
10      before you today life and death, the blessing and  
11      the cursing. Choose life so that you and your  
12      posterity can live."

13      I'm here representing myself and my wife.  
14      My wife is Dr. Beverly McMillan. She's the  
15      president of Pro-Life Mississippi. We have four  
16      children and nine grandchildren. And before I  
17      met her in 1975, she opened the first abortion  
18      clinic in the state. Within two years she said,  
19      "I can't stand being involved in this anymore."  
20      Most all the women were single. Most all the  
21      women were coming back for repeat abortions. And  
22      she realized she was being used and she was  
23      killing people.

24      Love is a great teacher, and that's quoting  
25      Dr. King. Thurston Marshall also said it.

1        From a personal perspective, this is my  
2        uniform. My office is at the abortion clinic. I  
3        spend more time than anyone in the state of  
4        Mississippi at the abortion clinic counseling  
5        women. I've had my heart broken by thousands and  
6        thousands of abortions occurring. I've never  
7        seen a woman go in happy and come out relieved.  
8        Hardly ever are they in there of their own  
9        accord. They're being forced by their  
10       boyfriend. Many of them adult men. For many  
11       years parents couldn't be involved.

12       I've also had the pleasure of having saved  
13       and been a part of saving thousands of babies.  
14       I've had over 400 children named after me. And  
15       my wife and her seven partners at River Oaks  
16       hospital have been most generous, as the medical  
17       profession at St. Dominic as well.

18       We may be a poor state in some respects, but  
19       we're good enough for our churches -- not  
20       government -- to take care of people.

21       I was found in a shoebox. I was conceived  
22       six months after Pearl Harbor. I was found naked  
23       at a church doorstep in the middle of the winter  
24       in the middle of the night naked. I don't know  
25       who my mother is. I don't know the circumstances

1 of my conception; but I was me then, I'm me now,  
2 and I was me before I was born. My mother didn't  
3 have the legal choice to have her soul penetrated  
4 so badly and me killed by the authority of the  
5 law.

6 I have an unnatural burden for this. It  
7 just consumes my life. And I just don't  
8 understand how people, a nation that's full of  
9 so-called Christians can, number one, have more  
10 than half their pregnancies out of marriage.

11 Let me close with this: Hubert Humphrey,  
12 the great lawyer from Minnesota, the senator, he  
13 said nations will be judged in the here and now.  
14 There's no place in heaven or hell for a nation.  
15 They will be judged for what they did or failed  
16 to do for those in the dawn of life, the dusk of  
17 life, and those in the shadows of life.

18 As Christians we have the responsibility to  
19 take care of our neighbor, and that includes  
20 protecting them. And each one of you was the  
21 size of a grain of salt. Hopefully, you were  
22 conceived in a marriage bed, but maybe not. I'm  
23 sure I wasn't. But it's wrong to kill people,  
24 regardless. God puts problems in our way  
25 sometimes, but he does it to make us better



1 people.

2 Thank you.

3 SECRETARY HOSEMANN: Thank you, Roy.

4 Ester Mann from Terry, Mississippi. Ester  
5 is recognized for two minutes speaking for the  
6 personhood amendment.

7 MS. MANN: I'm sorry, I don't have my  
8 reading glasses. I hope y'all will bear with me.

9 As a mother and grandmother and a voter of  
10 the state of Mississippi, I want to dispel some  
11 of the false rumors about Initiative 26.

12 First of all, personhood may not stop  
13 cloning, but it will cause the destruction of  
14 cloning embryos Personhood will not stop in vitro  
15 fertilization, but it will stop the destruction  
16 of implanting embryos and hopefully lead to more  
17 ethical life-affirming practices by  
18 practitioners. That would be a good thing.

19 Despite false rumors, personhood will not be  
20 a problem for women who suffer natural  
21 miscarriages, although it could be a problem for  
22 mothers who deliberately kill their unborn babies  
23 as should any child abuse.

24 Personhood will not affect birth control  
25 measures that prevent conception and are not

1      abortion causing. Personhood may in fact lead to  
2      more ethical conception, the life-protecting drug  
3      discoveries by the very pharmaceutical companies  
4      that brought us RU-486, Plan B, and morning after  
5      birth control measures. This will likely not  
6      happen unless they are ultimately forced to do  
7      this by government protection of unborn babies  
8      such as Initiative 26.

9      And speaking as a woman who has been  
10     offering alternatives to young women for 23  
11     years, I have seen the devastation that happens  
12     to women that struggle and suffer. And they are  
13     not -- they don't want to have abortions. They  
14     really don't. Abortion is not a fun thing for  
15     them to do. They don't want to do it. They want  
16     an alternative, and they want somebody to say,  
17     "Sweetheart, don't do this."

18     Rape and incest victims, I've seen them too  
19     at the abortion clinic. A rape and incest victim  
20     is a victim until she destroys her child; then  
21     she has done worse to her baby than was done to  
22     her. And I'm so sad. I'm very sorry for a woman  
23     who has been raped or has suffered incest; but  
24     killing her baby does not make that go away, and  
25     it doesn't make anything better, and we need to

1 help her.

2 Then I would say that the rare instances  
3 given by the opponents of personhood, yes, they  
4 are true; they are very sad and very difficult.

5 I understand that. But the problem is that we  
6 have killed 53 million babies in America because  
7 of those rare cases.

8 And I say let's protect the babies, let's  
9 vote yes on 26, and then we'll deal with it in a  
10 passionate way to help the mothers who are the  
11 victims.

12 Thank you.

13 SECRETARY HOSEMANN: Thank you, Ester.

14 Whitney Barkley. That's you. You put it in  
15 the wrong stack, and I put it over here. We got  
16 you.

17 Kevin Williams from Oxford. Kevin rises to  
18 speak against the personhood issue. Kevin,  
19 you're recognized for two minutes, sir.

20 MR. WILLIAMS: Good evening.

21 Ladies and gentlemen, I don't think any of  
22 us tonight could say that we're not here to  
23 eliminate suffering. We're trying our best to  
24 reduce the deaths done by abortion or by the  
25 damage to life. We want to increase happiness.

1 I would first like to say that we should  
2 dispel this rumor that we are a Christian nation.  
3 We are in fact not. You can look it up. Look at  
4 Article 13 with the Treaty of Tripoli. It was  
5 commenced during Thomas Jefferson's pregnancy --  
6 I mean -- excuse me -- not pregnancy, presidency.  
7 Although I'm sure he would have been a very  
8 lovely mother.

9 Another issue: If we want to eliminate  
10 suffering, let's look at it this way: What is an  
11 embryo? A three-day old embryo, what is it?  
12 It's approximately 150 cells. Now, if you truly  
13 want to eliminate suffering, look at it this way:  
14 There are over 100,000 cells in the brain of a  
15 fly. So, really, if we want to eliminate  
16 suffering, why aren't are we more worried about  
17 killing flies than embryos? It's a provocative  
18 claim.

19 Well, what can you say about this? The  
20 argument that we get from religions as well. A  
21 soul comes into the embryo at the time of  
22 conception. Well, what about if there are two  
23 embryos? What if the two embryos fuse? What  
24 happens to the souls then? We have to look at it  
25 from an objective standpoint. We have to say

1        what would best help humanity? Not religion, not  
2        one person; what would best help humanity as a  
3        whole?

4            Look at it from this perspective: What if  
5        you have a woman, a child, a 16-year-old who has  
6        no other alternative but abortion or is facing a  
7        family situation in which it would do great harm  
8        for her to go through that pregnancy? Wouldn't  
9        you want her to have the option at least to get  
10       that procedure performed? Just think of the  
11       price. The child -- the embryo would feel  
12       nothing. It ended. Has no knowledge it exists.  
13       It cannot feel pain. That child, on the other  
14       hand, is within a social structure, and it will  
15       endure, both in society and in her own family  
16       with the pain of that pregnancy if she's not able  
17       to correct the situation.

18            We need to look at this objectively. That's  
19       all I have to say. Thank you.

20            SECRETARY HOSEMANN: Thank you, Kevin.

21            Is it Talecia? T-A-L-E-C-I-A? There she  
22       is. Talecia Sa'Aadat is from Madison,  
23       Mississippi, speaking against the amendment, and  
24       she's recognized for two minutes.

25            MS. SA'AADAT: Good evening.

1       As I sit and listen to everyone's comments,  
2       I'm not so firm or founded in my own position  
3       against Initiative 26 that I don't feel for those  
4       who are for it. But life is not simple. It's  
5       not as simple as putting a blanket statement  
6       across something this complex.

7       I've listened to the comments about being a  
8       sidewalk counselor and saying that we have  
9       wonderful resources to refer these mothers to,  
10      because we don't have nearly enough. I've  
11      listened to the comments about women who would  
12      work with these women who struggle with this  
13      decision and they don't want to go through this,  
14      but they don't feel like they have a choice.  
15      They want someone to tell them "Just don't."  
16      It's not possible that they want something that  
17      simple for something this complex.

18      To say "Just don't" does not answer the  
19      question of what to do if I just don't. It  
20      doesn't answer where my resources will come from.  
21      It doesn't answer the explanation to this child  
22      about how he or she came to be. It does not  
23      answer my inability to provide for these children  
24      that are already at home. It does not answer the  
25      question about education with our teen parents.

1 It does not answer prevention enough.  
2 So I guess ultimately what I'm feeling here  
3 is that it just can't be that simple to be this  
4 way or that. This has to be a joint stance. We  
5 can't go into this for one side and forget the  
6 other. So yes, we say yes for Initiative 26.  
7 Okay, and then we get these babies here and do  
8 what?

9 I'm 36 years old. I have four children at  
10 home, a stepchild in Houston. I've been a child  
11 protective services social worker for years now.  
12 And this initiative simply does not provide  
13 enough answers for a problem of this magnitude.

14 I guess that's all I can say.

15 SECRETARY HOSEMANN: Thank you, Talecia.

16 Is it Netta? Is it Unabi? (Phonetic) From  
17 Madison, Mississippi, and she rises to speak  
18 against the amendment.

19 SPEAKER: Hi. My name is Allah, and I'm a  
20 student at Millsaps. I don't have letters behind  
21 my name right now.

22 So basically I'm doing a bioethics  
23 internship at UMC, and I came across this bill,  
24 and I was very curious to know what the people in  
25 the medical field thought about it. A lot of

1       them didn't have an opinion because they didn't  
2       know it was out there.

3       And once I figured it out, I was thinking,  
4       you know, a lot of people would have spoken  
5       against this if only they knew what was going on.  
6       But I'm just going to express my opinion, because  
7       there are a lot of things that are external  
8       factors that are important for our state. And  
9       being in college and being a foster student  
10      taking economic courses and business courses,  
11      everything is interconnected. And I realized  
12      that this issue itself, there are a lot of  
13      things. And as the previous speaker told us  
14      about, there are issues with poverty, there are  
15      issues with, okay, well, let's bring these  
16      babies. What do we do after that?

17      But I think the core of this problem is  
18      dictating what determines what's killing. And I  
19      don't think that the people of this state should  
20      confuse killing or anything else like that with  
21      the potentiality and what is actually a child.  
22      And for a lot of these people, they don't  
23      consider it a human, and they don't even consider  
24      it a person when they have something in the first  
25      stage.



1        So I think that as a female and as someone  
2        who is just a regular person who's lived 20 years  
3        in this state, I think it's unfair for us to  
4        dictate that based on, you know, just a religious  
5        type of ordeal. And I have respect for people  
6        who think that way, but we should not confuse  
7        potentiality.

8        And there are women here in this state who  
9        have pregnancies with anencephalic babies who are  
10       basically babies that are born without a brain.

11       And I think it is more unethical if we have these  
12       babies born when they know that they're born  
13       without a brain and they will die minutes later.

14       And to have the woman go through the pregnancy  
15       just to hold this thing that's not really a  
16       person in her arms and have it die in their arms.

17       I think it's just outrageous to eliminate  
18       abortion because in the same way that this woman  
19       makes the decision no matter how much she loves  
20       that child to abort that baby, she knows that  
21       it's not a person. And even though it lacks  
22       potentiality, the fetus that's in the first stage  
23       is very similar to that anencephalic.

24       And I think that if we look at it without  
25       any religious context and put ourselves in this

1 position, we'll see that this is a pretty  
2 outrageous bill, and we need to reconsider it  
3 despite our differences in our ideologies.

4 SECRETARY HOSEMANN: Thank you.

5 I would ask is there anyone else who would  
6 like to rise to speak for two minutes for or  
7 against?

8 Hearing none. We have three initiatives.

9 That is all of that one. Thank you Brad and  
10 Whitney for coming. That is all of the ones for  
11 here.

12 At this point we move to the eminent domain  
13 initiative. We are going to take just a minute  
14 to shuffle; say, five minutes. I'm sorry, it's  
15 the voter ID. We'll move to voter ID. We'll  
16 take just five minutes, and then we'll start  
17 right back.

18 (OFF THE RECORD)

19 SECRETARY HOSEMANN: We'll start back  
20 again with our voter ID initiative, which is  
21 Number 27. We have Julia Hodges and  
22 Ms. Lambright here, I think. If you would come  
23 up.

24 The voter ID initiative states, "Should the  
25 Mississippi Constitution be amended to require a

1 person to submit government-issue photo  
2 identification in order to vote?"

3 The actual amendment itself is a little  
4 longer, and it's in your brochure here. I won't  
5 cover all of it, but it basically -- the first  
6 part basically states, "A qualified elector" --  
7 which would be a voter -- "who votes in a primary  
8 or general election, either in person at the  
9 polls or in person at the office of the circuit  
10 clerk shall present a government-issued photo ID  
11 before being allowed to vote.

12 "A qualified elector who does not have a  
13 government-issued photo identification and who  
14 cannot afford such identification may obtain a  
15 state-issued photo identification free of charge  
16 from the Mississippi Department of Public Safety.  
17 The elector must show appropriate identifying  
18 documents required by the Mississippi Department  
19 of Public Safety.

20 "An elector living and voting in a  
21 state-licensed care facility shall not be  
22 required to show voter identification.

23 "An elector who has a religious objection to  
24 being photographed will be allowed to cast an  
25 affidavit ballot, and the elector, within five

1       days after the election, shall execute an  
2       affidavit in the appropriate circuit clerk's  
3       office affirming that exemption the applies to  
4       him or her.

5       "An elector who has a government-issued  
6       photo identification but is unable to present  
7       that identification when voting shall then file  
8       an affidavit ballot. And the elector, within  
9       five days after the election, shall present the  
10      government-issued photo identification to the  
11      appropriate circuit clerk.

12      "This provision shall not be construed to  
13      require photo identification to register to vote.  
14      This provision only requires government-issued  
15      photo identification for casting a ballot.

16      "The legislature shall enact legislation to  
17      implement the provisions of this section of the  
18      constitution."

19      So Julia Hodges will speak first, and she is  
20      speaking for the constitutional amendment. She's  
21      recognized for five minutes.

22      MS. HODGES: Good evening. I didn't  
23      prepare too much. I didn't know I was going to  
24      be here tonight, but thank you very much for  
25      having me.

1 I am for voter initiative ID No. 27, and I  
2 am one of those that worked around the state to  
3 get over 133,000 signatures for this initiative.

4 Now, this happened in 2009 and the winter of  
5 2010. Basically, we knew that we needed roughly  
6 90,000 signatures. We ended up with more than  
7 47 percent more signatures than necessary for  
8 this initiative. And I have a sheet here that  
9 shows by district. We had to go by the five  
10 districts at that time, and I have a sheet here  
11 that shows how many signatures we got per  
12 district.

13 The top two districts -- District No. 5 is  
14 the top district. District No. 5 is down on the  
15 Coast. It's along the Coast; that's where it is.  
16 We got 28,000 signatures from District No. 5.

17 The second top district that we got was the  
18 second district, which is basically the Delta --  
19 from the Delta all the way down to Copiah County.  
20 We got 27,000 signatures.

21 Basically, for the past 20 years the state  
22 legislature has failed to do their job adequately  
23 by introducing a fair voter ID bill. In 2009 the  
24 citizens of Mississippi took matters into their  
25 own hands and started the collecting of these

1 130,000 signatures. And the people have shown  
2 that they want a fair election system by the  
3 amount of signatures that we've received.

4 They trust in their election system being  
5 accurate and void of voter fraud and cheating on  
6 election day. This is going to eliminate one  
7 more method of voter disenfranchisement.

8 I have on my sheet several cases of voter  
9 fraud throughout the state. One of the most  
10 recent cases was in Madison this past May where a  
11 gentleman -- excuse me; let me find it. --  
12 illegally participated in two elections in  
13 Madison. And he was found to have done this, and  
14 he has received a prison sentence for it.

15 Having been around and collecting these  
16 signatures, I have found more and more people  
17 tell me We have to show our ID for just about  
18 everything we receive in life -- whether you're  
19 buying beer or for Medicaid. You have to have an  
20 ID. This is one more way to make sure that you  
21 are who you are when you vote. You're not coming  
22 in as someone and then turn around and coming  
23 back 15 minutes later dressed as a woman, which  
24 just happened in this past election system last  
25 year in the representative election in west

1 Jackson. Fortunately, the woman that was  
2 managing that poll realized that this was a  
3 gentleman who had just been in there 20 minutes  
4 earlier and had come back dressed as a woman.

5 These are some of the things that they're  
6 trying to do. And for you to be able to show  
7 your ID that you are who you say you are  
8 represents one man/one vote, and it's just.

9 So I'm asking that you please consider  
10 voting for Initiative No. 27, voter ID. Thank  
11 you very much.

12 SECRETARY HOSEMANN: Thank you,  
13 Ms. Hodges.

14 Ms. Lambright is speaking against voter ID.  
15 Would you please rise and speak against, and  
16 you're recognized for five minutes against the  
17 initiative.

18 MS. LAMBRIGHT: Good evening. Thank you  
19 for the opportunity to speak again about this  
20 initiative.

21 My name is Nsombi Lambright. I'm the  
22 executive director of the American Civil  
23 Liberties Union, also known as the ACLU of  
24 Mississippi. I am also a lifelong resident of  
25 Mississippi. And my work in this state is to

1 build a strong Mississippi through the  
2 empowerment of Mississippian families and  
3 children all over the state.

4 Our state has a tumultuous history of  
5 racism. One of those institutions that has been  
6 drastically affected by this racism is the voting  
7 booth. It was only in 1965 when  
8 African-Americans in this state and the rest of  
9 the country gained the right to vote. I am very  
10 disappointed that our state would take a step  
11 like this to gather signatures for an initiative  
12 that would damage that right to vote here in  
13 Mississippi.

14 Voting is a right, not a privilege. You  
15 should not have to show identification to gain  
16 our right to vote in this state. There is no  
17 question that voter ID would impact the ability  
18 of millions of Americans throughout this country  
19 who do not have government-issued photo  
20 identification. A disproportionate number of  
21 these Americans are low income, racial and ethnic  
22 minority, and the elderly.

23 My grandmother is one of these elderly  
24 individuals. She lives right here in Rankin  
25 County. She has never had a photo



1 identification. She never learned to drive. My  
2 grandfather and other relatives drove her around  
3 to her appointments -- doctors' appointments and  
4 to the grocery store. She seldom leaves the  
5 house. Every one at the bank and the grocery  
6 store knew her, so she had no problem cashing  
7 checks. She never had photo identification. And  
8 so I know of at least one person personally that  
9 would be impacted by this law, and I'm sure  
10 you-all know people who have never had a photo  
11 identification in their lives if you're from  
12 Mississippi.

13 There is no credible evidence that  
14 impersonation voter fraud exists in this state or  
15 that voter identification would solve any of  
16 these problems. The few problems that have been  
17 cited with voter fraud in Mississippi were solved  
18 through the laws that already exist. Proponents  
19 of voter ID laws have failed to demonstrate that  
20 individual voter fraud is a pervasive problem  
21 anywhere in the state.

22 A few years ago the Secretary of State's  
23 office, under Secretary Hosemann, held a series  
24 of hearings about election law. During those  
25 hearings I recommended a series of these,

1 especially more emphasis on training for our poll  
2 managers. That is a critical need here in  
3 Mississippi. That alone helped to solve some of  
4 the problems at our voting booths. A lot of our  
5 poll managers have been there for a very long  
6 time, seldom attend the mandatory -- so-called  
7 mandatory training that exists, and use their own  
8 limited knowledge of the law to make decisions  
9 about whether a person can or cannot vote at the  
10 time. We need to spend our resources getting  
11 more training for poll manager and poll workers.

12 We also need to recruit younger poll  
13 managers. We need to go to our colleges and  
14 universities. What an ideal way to get young  
15 people involved in the political process than to  
16 train them to be poll managers. That is where I  
17 would love to see our time in this state used --  
18 to increase voter participation, not to limit it.

19 I have witnessed how voter ID laws could  
20 affect voter participation in my own polling  
21 place several years ago. The poll manager  
22 decided on his own to implement his own voter ID  
23 policy before it was even considered law. He put  
24 up signs that said if you lived in an apartment  
25 or if you have a P.O. Box, you must show

1 identification that demonstrates that you live in  
2 the same place. This had not become law yet.

3 So I know that there are many managers out  
4 there that would take it upon themselves to  
5 interpret this law on their own, which would lead  
6 to a lot more voter fraud than we anticipate  
7 solving by voter ID laws.

8 Our country has come a long way because of  
9 the Civil Rights movement and the passage of the  
10 Voting Rights Act. Voter ID requirements are a  
11 step back. Voter ID requirements are a dangerous  
12 and misguided step backwards in our ongoing quest  
13 for a more democratic society. Elected officials  
14 should be seeking ways to encourage more voters,  
15 not inventing excuses to deny voters the ability  
16 to cast their ballots.

17 Photo ID requirements present substantial  
18 barriers to voting and negatively affect voter  
19 participation. Vote no on Initiative 27.

20 Thank you.

21 SECRETARY HOSEMANN: Thank you,  
22 Ms. Lambright.

23 We will start with Mr. James Parker from  
24 Brandon, Mississippi. Mr. Parker. Mr. Parker  
25 rises to speak against the voter ID amendment.

1           MR. PARKER: First I would like the  
2       Secretary of State, if he would, to go on record  
3       to say that people who are already registered to  
4       vote would not have to reregister for these photo  
5       identification cards if this initiative should  
6       pass.

7           I think it's also incumbent upon our  
8       Secretary of State to make a public statement  
9       that should this initiative pass, this No. 27  
10      photo identification, that it would not cost an  
11      individual voter out of his or her pocket.  
12      Otherwise, this is just another poll tax.

13          Since you have come in office,  
14      Mr. Secretary, there have been changes in the way  
15      voter registration has been handled. Whereas  
16      there was no out-of-pocket cost to those who  
17      picked up now and then forms, registration forms  
18      from your office, those forms are now \$.08 per  
19      sheet, \$8 for a pack out of pocket. The voters  
20      guides which are still free no longer contain  
21      registration forms. I have to pay printing and  
22      material cost if I get them off the Internet.  
23      Now there's a potential for us to have to pay  
24      again. This is not right, Mr. Secretary, and I  
25      am requesting of you on this day to put on record

1       that this will not cost us again; that this will  
2       not be another poll tax.

3       Thank you.

4       SECRETARY HOSEMANN: Thank you,  
5       Mr. Parker.

6       Laura Van Overschelde. Laura, you're  
7       recognized for two minutes to speak for the  
8       initiative.

9       MS. OVERSCHELDE: I, too, collected  
10      signatures for this initiative in 2009 and the  
11      winter of 2010. I have personally witnessed a  
12      good bit of voter fraud that has occurred in this  
13      state. I am not a native Mississippian, but I  
14      have lived here for almost 30 years, so I think I  
15      know a little bit about what happens in voting in  
16      Mississippi.

17      I'm very concerned about having firm, fair,  
18      and confirmable ID and firm, fair, and  
19      confirmable elections, because there is a vacant  
20      frequency of voter fraud.

21      But I go a little bit further than that. I  
22      think that verifiably if we have people who come  
23      in to vote who are absolutely identified as  
24      voters, we have a much greater chance of keeping  
25      ourselves sovereign.

1        This may not seem very important to most  
2        people when I say that, but I read the Internet a  
3        lot about what's going on in our country, and our  
4        sovereignty is being threatened by not having  
5        firm and fair elections.

6        There is an initiative that is being sought  
7        by the Secretary of State of the United States of  
8        America, Hillary Clinton, who is petitioning the  
9        United Nations to be ready to insist upon being  
10       able to monitor and even supervise and conduct  
11       our elections, which means that she is looking  
12       forward to the idea of the day that the United  
13       States of America becomes part of the one world  
14       government. And she does this in a number of  
15       ways when she's speaking of obliteration of our  
16       second amendment rights. But she thinks that she  
17       can get there more quickly by allowing fraudulent  
18       elections to go forth in these United States.  
19       And the UN is standing ready to help her with  
20       that.

21       I strongly urge you to vote for voter ID so  
22       that we can have firm, fair, confirmable and true  
23       elections.

24       Thank you.

25       SECRETARY HOSEMANN: Thank you, Laura.

1       Is there anyone who would like to rise to  
2       speak for or against this amendment, Initiative  
3       27 voter ID?

4       Hearing none, we will move on to the other  
5       one.

6       To reply to Mr. Parker quickly: There is no  
7       requirement to reregister to vote.

8       And then concerning the out of pocket, the  
9       initiative itself says that all of the IDs are to  
10      be furnished at no charge to the taxpayer.

11      And concerning the \$.08 a sheet per pack,  
12      the legislature required me to charge for copies  
13      is why. I don't know get any choice about that,  
14      but it's still a good idea.

15      We want to move to the last one, which is  
16      eminent domain. Thank you, Ms. Hodges and  
17      Ms. Lambright for joining us.

18      Initiative No. 31 is eminent domain, and it  
19      is "Should government be prohibited from taking  
20      private property by eminent domain and then  
21      transferring it to other persons?"

22      The initiative itself is quite short. It's  
23      listed in the brochure. "No property acquired by  
24      the exercise of the power of eminent domain under  
25      the laws of the state of Mississippi shall, for a

1 period of ten years after its acquisition, be  
2 transferred or any interest therein transferred  
3 to any person, nongovernmental entity,  
4 public-private partnership, corporation, or other  
5 business entity with the following exceptions:  
6 "The above provision shall not apply to  
7 drainage and levee facilities and usage, roads  
8 and bridges for public conveyance, flood control  
9 projects with a levee component, seawalls, dams,  
10 toll roads, public airports, public ports, public  
11 harbors, public wayports, common carriers or  
12 facilities for public utilities, or other  
13 entities used in the generation, transmission,  
14 storage, or distribution of telephone,  
15 telecommunication, gas carbon dioxide,  
16 electricity, water, sewer, natural gas, liquid  
17 hydrocarbons, or other utility products.  
18 "The above provisions shall not apply where  
19 the use of eminent domain removes a public  
20 nuisance, removes a structure that is beyond  
21 repair or unfit for human habitation or use, is  
22 used to acquire abandoned property, or, finally,  
23 eliminates a direct threat to public health or  
24 safety caused by the property in its current  
25 condition.



1       That's Initiative 31, and it's included --  
2       the arguments for and against the initiative are  
3       written by David Waide, the head of Mississippi  
4       Farm Bureau, and against by Leland Speed.

5       Tonight we have speaking for the amendment,  
6       Initiative No. 31, eminent domain, Randy Knight;  
7       and Ron Ferris will be speaking against.

8       Randy, you are recognized for five minutes.

9       MR. KNIGHT: Thank you, Mr. Secretary.

10       My name is Randy Knight. I'm a  
11       third-generation farmer from over in Rankin  
12       County. Private property rights is something  
13       that is near and dear to us on the farm, but not  
14       just us on the farm, but to every citizen in this  
15       state that owns private property.

16       You know, I'm standing here before y'all  
17       today because of something that happened back in  
18       2005. There was a little town in Connecticut  
19       called New London, Connecticut. There was a  
20       family lived down there called the Kelo family.  
21       Had a little piece of property down there next to  
22       the bay. And the government decided they wanted  
23       to take that property and build condos, build a  
24       supermarket down there.

25       They didn't think that was right. They

1        appealed it. Went to the Supreme Court. The  
2        Supreme Court said they did have the right to  
3        take that property and build a supermarket or a  
4        shopping center.

5            That's why I'm standing here today, folks.  
6        You know, we just don't think it's right for the  
7        government to take your private property and give  
8        it to someone else for economic development.

9            You know, Farm Bureau has got involved in  
10       this or been involved in it for over three years  
11       now. We petitioned the legislature this past  
12       year and went almost -- passed unanimously in the  
13       house and the senate. Went to the governor only  
14       to have it vetoed. Didn't get it overridden in  
15       the senate when it went back the second time.

16           Since that decision 43 states have adopted  
17       stricter eminent domain rules. Mississippi is  
18       one of only seven states that has not agreed to  
19       adopt the eminent domain rule. Mississippi Farm  
20       Bureau has gone to the trouble to get over  
21       120,000 signatures to get this initiative put on  
22       the ballot.

23           Our forefathers fought for this when they  
24       come over here and fought for our rights in this  
25       country -- the right to freedom, the right to

1 bear arms, the right to own private property. We  
2 believe that these still mean something. It's  
3 not right to take something that don't belong to  
4 you.

5 Our opposition says that we wouldn't have  
6 the Ross Barnett Reservoir, the Tenn-Tom  
7 Waterway, Kennedy Space Center or Stennis Space  
8 Center. You know, the Ross Barnett Reservoir is  
9 a public utility. It was built to provide  
10 drinking water for the city of Jackson. The  
11 Tennessee-Tombigbee Waterway and Stennis Space  
12 Center, both of those were started. That's  
13 federal issue. The state of Mississippi state  
14 law had nothing to do with those.

15 You know, some of our opponents say we  
16 wouldn't have Nissan; we wouldn't have Toyota. I  
17 disagree. If there's a willing buyer and a  
18 willing seller, we can have that kind of  
19 development, but it's still not right to come and  
20 take somebody's private property and give it to  
21 someone else for economic development.

22 The state of Mississippi owns thousands and  
23 thousands of acres of land across this state; and  
24 if they get ready, those are the kind of places  
25 that these Nissans and Toyotas should locate on

1 and shouldn't come and take our private property  
2 and give it to someone else.

3 I want to encourage each of you to vote yes  
4 on Initiative 31 to protect our private property  
5 rights.

6 Thank you.

7 SECRETARY HOSEMANN: Next speaking against  
8 the amendment is Ron Farris.

9 MR. FERRIS: Thank you, Mr. Secretary.

10 Good evening, everybody.

11 My friend Randy here from Farm Bureau tells  
12 you that Farm Bureau is against the taking of  
13 private property. I'm a member of the Farm  
14 Bureau, and I am also against the wrongful taking  
15 of private property. And that's not the issue  
16 here tonight. The issue is all about this  
17 initiative and what this initiative will do to  
18 the already established principles of eminent  
19 domain here in Mississippi, and that's why I'm  
20 here to talk about it.

21 It is an honor to be here with you. This is  
22 what makes our country great, a chance to come  
23 here and debate and to disagree. We have the  
24 right to disagree just as much as we have the  
25 right to agree and to own private property.

1        Now, I'm going to try to make three simple  
2        points, and I'd just ask you to think about these  
3        things before you vote for or against this  
4        initiative; but I'm asking you to vote with me  
5        against it for three good reasons.

6        I told that you I believe in private  
7        property rights. Our constitution specifically  
8        in Mississippi and in the United States  
9        guarantees private property rights to every  
10       American. And that has never changed since 1787.  
11       It's as true tonight as it ever was.

12       The court in Kelo in Connecticut had a  
13       situation that has never existed in Mississippi,  
14       does not exist today, and there's nobody with any  
15       credibility that can that it will ever happen to  
16       you. If you know the facts of that case, you  
17       have to agree that Mississippi is already by  
18       law -- every Mississippian is better protected  
19       against the abuses that occurred in Connecticut  
20       than anyone in Connecticut was.

21       The supreme court decision in Kelo did not  
22       change the law one bit in Mississippi. It did  
23       not. Our law is still one of the stiffest laws  
24       in the entire country, and that may be one of the  
25       reasons that we haven't had to rush to change our

1 law so quickly. It's something to think about.

2 Second, I want you to know that I do not  
3 like eminent domain. Eminent domain is the  
4 taking of private property. And I'm a  
5 fourth-generation Mississippian, and I own 6  
6 acres, and they are mine. I don't want you to  
7 take them away from me. But our founding fathers  
8 in 1787 and our founding fathers in Mississippi  
9 in 1817 realized that there are those limited  
10 times when government has to take private  
11 property only if it is for the public good.  
12 That's been in the Bill of Rights since 1787.  
13 It's there today. Never changed.

14 The thing that we put into our constitution  
15 is the protection against a wrongful taking and  
16 the assurance that you will get due compensation  
17 if there is a taking that is justified. And the  
18 difference in Mississippi and Connecticut -- and  
19 this speech would go well in Connecticut and  
20 they'd be thrilled to hear it -- but in  
21 Mississippi you are more protected here than  
22 anyone in Connecticut, and you have had these  
23 protections since the day you were born, and you  
24 have them tonight.

25 You have a court of eminent domain that is

1 specifically designed to hear these issues. You  
2 have an entire litany of public hearings and  
3 steps in the process that will take place before  
4 anyone ever gets close to the possibility of  
5 taking your land. And then once they do that,  
6 they have to go into court in front of a jury of  
7 your peers and they have to prove their case by a  
8 clear and convincing evidence before they can  
9 take it. And that is the same standard it takes  
10 to put a person to death in this state. So it is  
11 a serious issue. And when it gets into the court  
12 of eminent domain, the likelihood that you will  
13 be abused is virtually eliminated. That's the  
14 law we've always had. This initiative does not  
15 change that one iota.

16 If you read it, I'll tell you that there is  
17 three things wrong with it. The first thing is  
18 that it is blatantly unconstitutional. It's an  
19 abuse in and of itself of the initiative  
20 referendum process which we did put in our law.  
21 We'll take that argument up with the court next  
22 week and get back with you on that one.

23 But it is also bad public policy. It is  
24 just wrong whenever you go into an initiative --  
25 and I want you to read this thing; the Secretary

1 read it -- you will find 24 exceptions even to  
2 this extremely strong protection we all need now  
3 of our private property rights. Twenty-four  
4 exceptions to that. These lobbyists got those  
5 put in -- I assume with the blessing of the  
6 people who are here tonight -- telling you that  
7 this had to be done.

8 But let me tell you that the one group that  
9 was left out were the economic development  
10 professionals across this state who absolutely  
11 have fought for all of their careers and we've  
12 all fought in this state for years and years and  
13 years to get to the point where we can get the  
14 Nissans and get the Toyotas and get the Stennis  
15 Space Center to come to Mississippi. And those  
16 are all large-scale projects. And when you reach  
17 out to take in that large of an area, there are  
18 times when you are going to get someone who the  
19 bargaining process will not work.

20 Typically, the folks that see that someone  
21 like Nissan wants to come in will rush in and buy  
22 that property. And you're dealing with people  
23 who do this for a living. And they want to hold  
24 out because they know that that's how they can  
25 speculate and make more money.



1 I'm telling you now that it is bad public  
2 policy to hamstring our economic development  
3 professionals by saying that they don't even have  
4 the opportunity to make the argument or to make  
5 the attempt, because they're not trying to get  
6 land for themselves. And with all due deference  
7 to Randy, they're not trying to take your land  
8 and give it to somebody else. That's not what  
9 eminent domain is about. They are trying to get  
10 the land because it is in the public good. It's  
11 the same reason that Thomas Jefferson and all of  
12 our founding fathers agreed to put it in the  
13 constitution. There are times when it is  
14 necessary. And those protections are critical,  
15 and we have those protections.

16 Now, it's bad public policy. And I'll wrap  
17 up with this. Our own governor, Haley Barbour,  
18 said it best, and I can't do any better than  
19 that. And I listen to Haley when he talks  
20 because, like me, I believe he has the best  
21 interest of this state at heart, irrespective of  
22 whether you're a Republican or a Democrat.

23 Here's what he said when he vetoed this  
24 bill: "Initiative 31" -- which was then called  
25 House Bill 803 -- "will do more damage to job

1 creation and economic development than any  
2 government action since Mississippi rightfully  
3 began trying to balance agriculture with industry  
4 in 1935. It puts Mississippi at a catastrophic  
5 disadvantage in creating jobs and expanding our  
6 economy."

7 Now, that is the truth, and I believe it.  
8 And unless you have a good reason to doubt it, I  
9 would encourage you to take him at his word if  
10 you can; but if not, then read this initiative  
11 and ask yourself one question: What message is  
12 this going to send to the next Nissan or the next  
13 Toyota when they make the phone call to our  
14 governor -- whoever the new governor will be --  
15 because that's who gets the call -- and they say,  
16 We were thinking about putting a plant in  
17 Mississippi. What can you do to help us? We  
18 need 400 acres; we need 300 acres. And the  
19 answer is going to be, Well, we passed this new  
20 law last year and the one thing we can't do is  
21 help you get the land together to do this. How  
22 many jobs? Well, 10,000; 7,000; 1,000. At the  
23 end of the day what are we doing if we pass this  
24 to help us bring jobs to our state? The answer  
25 is nothing good.

1 Thank you.

2 SECRETARY HOSEMANN: Thank you, Ron.

3 We have a number of speakers for and against

4 eminent domain.

5 Scott Cannada. Where's Scott? From

6 Edwards, Mississippi. Charles asked me to put

7 you first. He is rising to speak for the eminent

8 domain initiative.

9 MR. CANNADA: I'm here to speak for the

10 initiative. I'm not going to bore you with a lot

11 of statistics, but I am going to tell you how

12 eminent domain really works.

13 A few years back we had a project coming

14 through our area. They wanted some of our land.

15 We negotiated a price, and everybody was happy.

16 Two years later another project was coming

17 through, and they offered me 15 percent less, and

18 we started negotiations. A week later I get a

19 letter in the mail that says come to court. Take

20 our first offer or appear in court. I talked to

21 a lawyer, and he told me I could not afford to

22 fight them. That's how eminent domain works.

23 End of story.

24 SECRETARY HOSEMANN: Thanks, Scott.

25 Carol Hardwick from Jackson. Carol rises to

1 speak against Initiative 31.

2 MS. HARDWICK: Thank you.

3 Good afternoon, ladies and gentlemen. I

4 appreciate y'all staying around for this.

5 I am against Initiative 31, and I did not

6 sign the petition, but I am not surprised the

7 petition creating Initiative 31 was signed by so

8 many. It was thrust in my face at social events

9 and outside of my office building with a

10 statement, "Sign this to stop the government from

11 taking your property," as if the government had

12 all of a sudden started randomly taking property.

13 How can you not sign that if you were somewhere

14 where you didn't have time to think about it

15 then?

16 Well, now's the time to really think about

17 this and for you to tell others about it. A

18 whole lot is at stake for you and your children's

19 future.

20 When a large manufacturing business goes in,

21 it supports local business. For there to be a

22 demand for your convenience store, grocery store,

23 auto parts store, ice cream shop, restaurant,

24 whatever the business is, people in your area to

25 have jobs, or they won't be able to shop in your

1 stores. We do not need to miss out in getting  
2 another Nissan or a Toyota or even something  
3 smaller. They will not be inclined to come  
4 unless we can put tract of land together and that  
5 they can put their plant on it.

6 This law that we currently have has not been  
7 abused. The current law requires fair market  
8 value to be paid for land. And if that figure is  
9 disputed in court, it allows for judicial review,  
10 a third party, to decide that value.

11 Eminent domain was used in Tupelo to get  
12 Toyota, and it was used to get title on an  
13 abandoned church. Over \$30,000 in cash is  
14 sitting right now in a trust fund for when the  
15 owner of the church is found. Additionally,  
16 ancient mineral deeds near the property had to be  
17 purchased. If not for the ability of the  
18 government to buy these properties, Toyota would  
19 not have located. We would be without all of the  
20 jobs and the economic activity that that plant is  
21 going to create.

22 While it is called the "taking of property,"  
23 property is really bought, and the landowner  
24 sells it for a good price. Right now the current  
25 law works for the landowners. The current law

1 allows landowners to negotiate the fair market  
2 value or even receive replacement value as they  
3 used in north Mississippi. The current law  
4 allows clear title to land to be obtained for  
5 property that has been abandoned or has multiple,  
6 dispersed, out-of-state owners. The current law  
7 allows new jobs to be created for Mississippians,  
8 especially our children, so they won't have to  
9 leave the state. The current law allows for the  
10 economy to grow to support our entrepreneurs in  
11 small businesses.

12 However, if you vote for this initiative and  
13 if it passes, you will hurt those who do want to  
14 sell their land and create jobs. You will put  
15 the future of our citizens at the mercy of  
16 out-of-state landowners who don't care at all if  
17 jobs are created in Mississippi. You will hurt  
18 the ability to create thousands of good jobs in  
19 Mississippi by large manufacturers.

20 Do the right thing. Make Mississippi a  
21 better place to live, to work, to raise our  
22 families. Give our children good employment  
23 opportunities here at home. Vote no on  
24 Initiative 31.

25 Thank you.

1 SECRETARY HOSEMANN: Thank you, Carol.

2 Ron Aldridge. Ron rises from Jackson,  
3 Mississippi, to speak for the initiative.

4 MR. ALDRIDGE: Mr. Secretary and  
5 gentlemen.

6 I'm Ron Aldridge. I'm a taxpayer of  
7 Mississippi. I am a lawyer. I'm a former small  
8 business owner. I own property in the Fondren  
9 area of Jackson and other places in the Jackson  
10 area. I'm also a tree farmer, and I represent  
11 the National Federation of Independent Businesses  
12 as its state director, representing small  
13 businesses throughout this state. We have some  
14 3600 members.

15 In 2001 when the Nissan project was before  
16 us, we looked at that and said, I need to find  
17 out from my small businesspeople what they think  
18 about this eminent domain thing that's going on,  
19 because it could be our property, some of my  
20 members. Eighty-nine percent said firmly that  
21 they do not believe that the government at the  
22 local level, state level, or any level should be  
23 able to take our private property for another  
24 person's private use. Even Nissan at that time.

25 Our problem then was not our constitution

1       until it came about the Kelo decision came. The  
2       same attorney that represented Ms. Kelo is the  
3       same attorney that also represented the Archie  
4       family. We stood with the Archies of the Nissan  
5       case, and it's a sad case to watch how they tried  
6       to take those 28 acres away. All the time that  
7       poor family had cost factors that the government  
8       could afford, but they couldn't. Thankfully,  
9       people came in and rescued them from that to  
10      protect their property, as most small businesses  
11      could not do.

12       I want to point out to you some things they  
13      talk about. Some say we don't need the  
14      amendment. Well, let me tell you what the  
15      current law is in Mississippi, because most  
16      legislators don't even realize it. The Major  
17      Economic Impact Act that this thing has to do  
18      with, most people think that's for mega-sites like  
19      Nissan and Toyota. In fact, here's some of the  
20      things. It points out that these small projects  
21      are included if it produces 80 jobs, 90 jobs, 125  
22      jobs. If it has a half-million dollars of  
23      investment, any ancillary development or business  
24      to another major project, any potential project  
25      that the MDA says is feasible to recruit. Let me



1 tell you it also says in there for a lot of  
2 projects it's a 65-mile swath. I could show you  
3 a picture of that. That would take in over a  
4 20-county area that they have the right then to  
5 come take your property under eminent domain if  
6 you live or own property in that 20-county area.

7 In the Nissan project they had the entire  
8 right under that law to take any property in the  
9 entire state of Mississippi. That's wrong.

10 Let me tell you the urban renewal law is  
11 another back door way. People don't realize  
12 what's in that law. It started in 1958 in the  
13 state of Mississippi. Here's some of the  
14 definitions of what a plighted area, and this new  
15 initiative would correct that. It says if you  
16 have a predominance or a substantial number of  
17 deteriorated structures, if you have an adversity  
18 of ownership. Now, tell me what that means.  
19 Inadequate street layout, faulty lot layout, all  
20 those kind of things.

21 There's a mayor in Anaheim, California, who  
22 did everything by one means -- market forces.  
23 He's a former California speaker of the house.  
24 He did it none with eminent domain. And you go  
25 to Anaheim, California, and find the greatest

1 economic development projects going on. One of  
2 the things he said was the reverse situation  
3 happens when you have this, and that is that it  
4 then ties up property, because people know then  
5 if there's a redevelopment project, you basically  
6 are saying you can take my property at any time.  
7 Why should I go in and invest more money and do  
8 that? When they took those redevelopment plans  
9 away, more money came in otherwise.

10 I can tell you about those 43 states,  
11 because a study was done that appeared in the  
12 Wall Street Journal, the circumstances of it, and  
13 said that they looked at every state that's  
14 passed eminent domain protection and every one of  
15 them substantially said there is no harm under  
16 them, any of them. As a matter of fact, Site  
17 Selection Magazine, eight of the top ten on that  
18 list, Site Selection Magazine, said from an  
19 economic development standpoint, they have -- and  
20 eight of those have a B or A rating on their  
21 eminent domain protection. We have an F in  
22 Mississippi.

23 SECRETARY HOSEMANN: Ron, let's wrap it  
24 up.

25 MR. ALDRIDGE: We would ask you to protect

1 the private property rights of every  
2 Mississippian, because I can assure you without  
3 31, every person's property is able to be taken  
4 in this state, and that's wrong.

5 SECRETARY HOSEMANN: Thank you, Ron.

6 James Parker. James is speaking against  
7 Initiative 31.

8 MR. PARKER: Thank you again.

9 I just want to tell you I'm a blue collar  
10 worker. I work in a boiler room. It's always at  
11 least 20 degrees hotter than what it is outside.  
12 It's pretty bad. I do shift work. But every day  
13 that I go to work, I thank God that I have a job,  
14 that I'm able to feed myself, have a roof over my  
15 head and other things.

16 Just think about the Toyota and Nissan  
17 plants, those workers there. It's not just  
18 workers; it's not just jobs; there are families.  
19 If it wasn't for eminent domain think about the  
20 10,000-plus jobs that would not be available.  
21 Where would they be right now? Where would the  
22 grocers be that benefit from that? Where would  
23 the tax income that the revenue coming in to our  
24 state government? Where would that be?

25 I think you should vote no against

1 Proposition 31. Like they said before me, before  
2 I stood up here -- eloquently -- that there is no  
3 abuse of this law. And they have scare tactics  
4 and they want you to believe that they're coming  
5 to get your property, and that simply is not  
6 true. So I think it would be in the best  
7 interest of our state and workers like me for you  
8 to vote against Proposition 31.

9 Thank you.

10 SECRETARY HOSEMANN: Thank you,  
11 Mr. Parker.

12 Robert Hays from Pearl, Mississippi,  
13 speaking for the eminent domain initiative.

14 MR. HAYS: Thank you, Mr. Secretary.

15 The issue here is not eminent domain. That  
16 is a settled issue. You buy property in the  
17 state of Mississippi or anywhere else in this  
18 nation, and there are already eminent domain laws  
19 on the books, and that has been a settled issue  
20 for a long time.

21 The issue here is eminent domain abuse,  
22 which has already been defined and discussed,  
23 particularly by Mr. Knight. And the abuse is to  
24 take private property or property from one  
25 private entity and give it to another. That's

1 the problem. It is an attack upon the right --  
2 the sacred right -- of private property which was  
3 a bedrock right of the citizens of our land.

4 Now, Nissan and Toyota have been mentioned.

5 To justify the taking of property from one  
6 private entity to give it to another private  
7 entity on the basis of future economic benefit  
8 is -- brace yourself for a 50-cent word --  
9 utilitarianism. Utilitarianism is a philosophy  
10 that might makes right. The end justifies the  
11 means. It is an immoral way of making decisions  
12 which asks the question, What does the majority  
13 want or the powerful want? And do they want it  
14 bad enough to overcome any inhibitions which may  
15 stand in the way? In other words, it can be used  
16 to justify theft, Mr. Speed or the governor  
17 notwithstanding.

18 The senate took the position -- the position  
19 of Initiative 31 unanimously several years ago.  
20 The senate didn't want to vote unanimously on  
21 which way the sun came up, but for some reason  
22 they all voted for this. And then the governor  
23 decided no, this is going to screw up economic  
24 development, so he put the pressure on 22  
25 senators, which was enough to overcome it. They

1       ought to be ashamed. They ought to hang their  
2       heads in shame. They caved under the pressure of  
3       the governor. That reconsideration vote needs to  
4       be overturned loudly and once and for all for the  
5       sake of the private property rights of the people  
6       of this state.

7       Please vote yes on Initiative 31.

8       SECRETARY HOSEMANN: Thank you, Mr. Hays.

9       Dan Roach. Dan is recognized for two  
10      minutes to speak against the Initiative 31,  
11      eminent domain.

12      MR. ROACH: Thank you, Mr. Secretary.

13      My name is Dan Roach. I am not a  
14      politician. I'm not an attorney. I'm not a  
15      board-certified anything. I am a high school  
16      history teacher and football coach. I do have  
17      the distinct honor of being the James Madison  
18      Fellow for the state of Mississippi teaching of  
19      the U.S. Constitution.

20      My concern with this initiative is that it  
21      does not include a clear definition of what is  
22      meant by private property. I'm well aware of the  
23      fact that our founding fathers were intent on  
24      protection of private property in all its forms,  
25      but are we talking about someone's residence, are

1 we talking about revenue-generating property, or  
2 are we talking about property as Mr. Farris  
3 mentioned that has been purchased purely for  
4 speculative purposes?

5 Our own state constitution in the Bill of  
6 Rights, Section 17, reads as follows: "Private  
7 property shall not be taken or damaged for public  
8 use, except on due compensation being first made  
9 to the owner or owners thereof, in a manner to be  
10 prescribed by law. And whenever an attempt is  
11 made to take private property for a use alleged  
12 to be public, the question whether the  
13 contemplated use be public shall be a judicial  
14 question and, as such, determined without regard  
15 to legislative assertion that the use is public."

16 I guess what I mean by reading that is the  
17 fact that the remedy already exists in our state  
18 constitution. And, unfortunately, for better or  
19 worse, until Kelo v. the City of New London,  
20 Connecticut, is overturned, I don't believe that  
21 the initiative will stand constitutional muster.

22 Thank you.

23 SECRETARY HOSEMANN: Thank you, Mr. Roach.

24 Jimmy Whitaker. Jimmy is from Satartia,  
25 Mississippi, and he rises to speak for the

1 initiative. I hope you're not flooded, Jimmy.

2 Did you get flooded?

3 MR. WHITAKER: No, sir.

4 SECRETARY HOSEMANN: That's good. Mr.

5 Whitaker for two minutes.

6 MR. WHITAKER: I'm just an old country

7 boy. I've just got a few things I want to say.

8 I want to speak from my heart about the things I

9 have to say.

10 The first thing I want to do is apologize to

11 the lady that said she had a petition slammed in

12 her face. I'm sorry. That's not what we did.

13 There was a lot of them passed out that weren't

14 done like that, and I apologize for that.

15 I'm a third-generation farmer in Yazoo

16 County, and I have been farming for over 30 years

17 on some of the land that my grandfather bought

18 and he cleared to farm many decades ago. Today

19 his land is still farmed and owed by his

20 descendents, and I am one of his descendents. My

21 son is also a descendent and has been farming

22 with me for eight years.

23 My family would like to continue ownership

24 of our land, and I would like to continue farming

25 this land for years to come without the worry of



1 it being taken away by eminent domain and then  
2 turned over to other private parties.

3 Mississippi Farm Bureau is just trying to  
4 prevent eminent domain abuse and protect private  
5 property owners' rights. The signatures that  
6 were collected to have it put on the ballot were  
7 not just Farm Bureau members. They were also  
8 individual citizens of the state of Mississippi  
9 who are also concerned about this.

10 I personally believe the citizens of the  
11 state will be able to decide this on the ballot  
12 that we have before you now. I just really  
13 appreciate y'all understanding, and I hope y'all  
14 understand everything we're trying to do.

15 Thank you.

16 SECRETARY HOSEMANN: Thank you, Jimmy.

17 Luther Munford. Luther is from Jackson,  
18 Mississippi. He rises against Initiative 31,  
19 eminent domain.

20 MR. MUNFORD: Thank you, Mr. Secretary. I  
21 appreciate your personal participation in these  
22 meetings.

23 My name is Luther Munford. I practice with  
24 the firm Phelps Dunbar. I represent Leland Speed  
25 in a lawsuit. What I'm about to say has not been

1 approved by Leland Speed, and please don't hold  
2 it against him.

3 Scott, this is not going to do you any good  
4 at all. There are problems with the eminent  
5 domain laws in Mississippi. We ought to make it  
6 hard for the state to take property, but this  
7 initiative has nothing to do with 99.9 percent of  
8 the ways that the state of Mississippi takes  
9 property for highways and utilities and whatever.  
10 This thing doesn't make it.

11 Farm Bureau ought to be spending its energy  
12 changing the eminent domain process for  
13 everybody, not just worrying about this .1  
14 percent that can cause problem.

15 To me the question is "Who do you trust?" The  
16 Mississippi constitution says you cannot take  
17 private property except for a public use. And  
18 those words "public use" are defined by the  
19 Mississippi Supreme Court. That court is  
20 elected. You can make an argument that it's even  
21 more representative in some ways than the  
22 legislature. And in the past it has said yes to  
23 some, an urban project in Tupelo, no to a casino  
24 project in Vicksburg where the land was just  
25 being taken for a casino and not for a public

1       purpose.

2           So why don't we trust them to keep doing  
3       what they've been doing? It's very simple.  
4       Public use. Our elected judges interpret it.  
5       Instead, what this thing is is a deceptive  
6       misleading bunch of bureaucratic language that  
7       people who vote on it won't really understand  
8       what it's about. If the Farm Bureau does not  
9       want industrial development, if they do not want  
10      industrial land to be taken for instrumental  
11      parks, if they do not want land to be taken as a  
12      buffer zone around the reservoir, if they do not  
13      want land to be taken by a university for a  
14      stadium -- which of course it then leases  
15      out through a concession, or if it leases out to  
16      a professional team, would be an interest of a  
17      private person -- and we can't have that -- if  
18      you don't want those things, put it in that  
19      language so people can know what they're voting  
20      about.

21           You read this thing, you can't tell what  
22      you're voting for and what you're voting against.  
23      You can't. It doesn't say we're not going to  
24      have Nissan or we're going to make it more  
25      expensive to have Nissan or maybe impossible. It

1 doesn't say, you know, we're not going to have a  
2 buffer zone around the reservoir so the reservoir  
3 board can control -- not the reservoir itself,  
4 but a buffer zone around it so the reservoir can  
5 control who lives there. We're not going to have  
6 maybe -- there's a plan for a medical corridor in  
7 Jackson all the way across from the University  
8 Hospital west all the way to the Medical Mall and  
9 maybe beyond. We're not going to have that  
10 because, you know, there might be some private  
11 companies that, you know, or research facilities  
12 or somebody doing, you know, something personal  
13 private -- for personal private gain on some of  
14 that land. We're not going to have that.

15 Tell the people that's what you don't want  
16 and then see if people will vote against it.  
17 Don't have this gobbledygook 155-word piece of  
18 stuff that nobody can understand what it's really  
19 about.

20 And that's the way I feel about it. I'm not  
21 speaking for Mr. Speed. Thank you.

22 SECRETARY HOSEMANN: Thank you, Luther.

23 Moody Davis. Mr. Davis is recognized to  
24 speak for the eminent domain initiative. From  
25 Brookhaven, Mississippi.

1           MR. DAVIS: I can only speak from my heart  
2           too. I've owned land for about 50 years. I've  
3           never sold one acre of land. I've never bought  
4           one acre of land with the intention of selling it  
5           and making a profit. I have bought land and  
6           owned land to make a living doing what I love to  
7           do, and that's raising cattle and trees.

8           Now, if my neighbor decides he wants to  
9           build some type building and he needs a few more  
10          acres, I want to be protected against someone  
11          taking part of my property because it would  
12          increase tax revenues to the government.

13          If I only own 6 acres of land and I bought  
14          that 6 acres of land a few years ago, fair market  
15          value might satisfy me; but when owning my  
16          property is the way I make a living and feed my  
17          family and afford to pay my taxes, fair market  
18          value would not do the job. Would I trust a  
19          court, a lawyer, a real estate broker to  
20          determine what is fair for me, what is the fair  
21          value for my property? I don't think I can do  
22          that. If Mr. Speed does, more power to him. If  
23          a big outfit bigger than Toyota maybe wants to  
24          come in, maybe eminent domain can take away from  
25          the Toyota and give it to them.

1 But farming the land, being blessed by God  
2 to be able to work that land every day means more  
3 to me than fair market value.

4 Thank you.

5 SECRETARY HOSEMANN: Thank you, Mr. Davis.

6 Philip Jones from Cato, Mississippi.

7 Mr. Jones rises to speak for Initiative 31,  
8 eminent domain.

9 MR. JONES: Thank you.

10 I would just like to make two points that  
11 have been brought out by the opposition. The  
12 first is that we now have protection of the  
13 courts to protect us from unlawful taking of our  
14 land. If the courts would protect us, we  
15 wouldn't be in the situation we are in today,  
16 because the court didn't protect the Kelo family  
17 in Connecticut. There's 43 states that have  
18 already said this was wrong, and they didn't  
19 think the courts were protecting us either. And  
20 I think we need to join these other states and  
21 adopt this Proposition 31.

22 And the second thing is we say that if they  
23 take our land, we will get fair market value or  
24 we will be able to be appraised and we will be  
25 compensated for it. I ask the question just as

1 Mr. Davis said: How are we to be compensated for  
2 our home? You can't put a value on a home. The  
3 people there at Nissan, the families that fought,  
4 you could have bought that property, but you  
5 can't move them to another place and it be home.  
6 And sometimes what you own and what you have has  
7 no value to anybody else, but it's yours. Sort  
8 of like I heard somebody say about a child. You  
9 wouldn't take a million dollars for your child,  
10 but you wouldn't give somebody a dollar for  
11 another one. That's the way it is with our land  
12 sometimes.

13 Thank you.

14 SECRETARY HOSEMANN: Thank you, Mr. Jones.

15 Thomas McAlpin from Magee, Mississippi. He  
16 rises to speak for the Initiative 31, eminent  
17 domain.

18 MR. McALPIN: First I would like to thank  
19 Farm Bureau for leading the way in support of  
20 this amendment and the volunteers that worked so  
21 hard to gather signatures put on the petition.

22 I support economic development. I support  
23 jobs coming in to our counties as a result of new  
24 and existing businesses. I support an increased  
25 tax basis as a result of new industry. I support

1 the rights of utilities and public road  
2 improvements. But I also support a landowner's  
3 right to own property without the fear of someone  
4 taking it away from him for private enterprise.

5 I am a third-generation landowner and  
6 farmer. I have children and grandchildren who  
7 will become the fourth and fifth generations of  
8 landowners. I cannot afford or neither can my  
9 children or grandchildren afford to fight the  
10 judicial system to keep our property.

11 We all want economic development, a better  
12 tax base, more and better paying jobs, but why  
13 should a property owner be the only one making a  
14 sacrifice? Vote for the amendment.

15 Thank you.

16 SECRETARY HOSEMANN: Thank you,  
17 Mr. McAlpin.

18 Kendall Garraway from Jackson, Mississippi,  
19 rises to speak for the Initiative 31.

20 MR. GARRAWAY: I'm Kendall Garraway. I  
21 live in Jackson and farm out in Bolton.

22 One of the things we look at as landowners  
23 is the highest and best use for the property.

24 But being a landowner, we want that to be our  
25 decision. We don't want it to be an economic



1 developer's or a governor or anybody else's  
2 decision to take our private property and  
3 transfer it to someone else that's in private  
4 business. And, you know, that's kind of the core  
5 of the whole private property rights in this  
6 country. And it just -- it doesn't seem right  
7 for someone else to make a decision that's not a  
8 public utility or something of that nature.

9 If the people on the Nissan property decided  
10 that they wanted to sell to the Nissan plant,  
11 that was their right to. To take it from them to  
12 give to a private company for whatever reason --  
13 economic development or whatever -- doesn't seem  
14 right.

15 SECRETARY HOSEMANN: Thank you, Kendall.

16 Is there anyone else who would like to rise  
17 to speak for or against the amendment?

18 SECRETARY HOSEMANN: Yes, sir, you're  
19 recognized. Would you please state your name  
20 when you come forward, and you're recognized for  
21 two minutes.

22 MR. WHITTEN: George Whitten from Pearl.

23 I speak in favor of this initiative to stop  
24 eminent domain abuse. The taking of private  
25 property for a redefined public use, which now

1 means under Kelo v. Connecticut now may mean  
2 passing that property on to another private  
3 company or to -- not only to -- it may be  
4 justified by creating jobs or it may be justified  
5 by the government seeing the opportunity to reap  
6 higher property taxes from a new owner that uses  
7 the land for higher profits than the previous  
8 owner.

9 You heard from our first speaker, Scott  
10 Cannada, the perspective of a client who needs a  
11 lawyer to help him defend against the taking of  
12 his property. Let me give you the same story  
13 from the perspective of a lawyer who worked in  
14 Tupelo. I worked in a three-man firm. A  
15 landowner came to ask for our help to defend  
16 against the City of Tupelo taking his -- filing a  
17 notice to take his land to be used eventually to  
18 build a 70-car garage called a museum for  
19 automobiles to house the private automobile  
20 collection of a gentleman who donated his cars to  
21 the City of Tupelo if they would build a museum  
22 for it.

23 We had to eventually tell our client -- the  
24 client, the landowner was offered 15 percent less  
25 than what the property was worth according to his

1 appraisals. And the City of Tupelo was counting  
2 on him to make that calculation is it more  
3 expensive -- am I going to end up with more money  
4 by accepting this offer that's 15 percent lower  
5 or am I going to end up with more money by paying  
6 attorneys to get 100 percent of fair market  
7 value? And after I have paid attorneys, I end up  
8 with only 50 percent of what my property's worth.  
9 So the legal costs are a major factor.

10 SECRETARY HOSEMANN: Thank you.

11 Is there anyone else who would like to speak  
12 for or against the amendment?

13 Hearing none. This is the third of our  
14 meetings around the state. And I was looking as  
15 we were coming and going between 150 to 200  
16 Mississippians came tonight, many of which voiced  
17 their opinions. We recognize that we are in a  
18 free democracy for all to speak, and it is  
19 pleasant to see that that many of you care.

20 All of our comments tonight will be on our  
21 website. Usually it takes about a week to ten  
22 days to get it up. Also, we would encourage you  
23 if you have a written statement that you want to  
24 be on the website, if you will send it to me.

25 And our contact information is out there. My

1 email is initiatives@sos.ms.gov. If you  
2 will send it to me, we will put it on our website  
3 for the rest of Mississippi to look at.

4 It's gratifying to me personally to know  
5 that people devote the time and effort to  
6 participate in democracy. I encourage you and  
7 thank you for doing that tonight.

8 So without further ado, I think we head for  
9 Gulfport and get the information from our  
10 citizens there before we look forward to a vote.

11 There is an election on August 2nd. The  
12 Democratic and Republican primaries are on that  
13 date. I know it's an echo in here among these  
14 people who care enough to come tonight, but don't  
15 forget to vote. Make sure you go. If you're  
16 going to be out of town on vacation, visiting  
17 with the grandchildren, or whatever, please make  
18 sure you cast your absentee ballot. They're all  
19 available at the circuit clerks' offices.

20 Thank you so much for coming tonight.

21 (DEPOSITION CONCLUDED AT 7:40 P.M.)

22 \* \* \* \* \*

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25

1 CERTIFICATE OF COURT REPORTER

2 I, SHARRON F. ALLEN, Certified Shorthand  
3 Reporter and Notary Public in and for the State of  
4 Mississippi at large, hereby certify that the  
5 foregoing pages contain a full, true, and correct  
6 transcript of the proceedings as taken by me at  
7 the time and place heretofore stated in the  
8 aforementioned matter and later reduced to  
9 typewritten form by me to the best of my skill and  
10 ability.

11 I further certify that I placed the  
12 witness under oath to truthfully answer all  
13 questions in this matter under the authority  
14 vested in me by the State of Mississippi.

15 I further certify that I am not in the  
16 employ of or related to any counsel or party in  
17 this matter and have no interest, monetary or  
18 otherwise, as to the final outcome of this  
19 proceeding.

20 WITNESS MY SIGNATURE AND SEAL, this the  
21 28th day of July, 2011.

22 \_\_\_\_\_  
23 SHARRON F. ALLEN, CSR, RPR  
24 CSR NO. 1144

24 My Commission Expires:

25 November 5, 2011